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April 7, 2006

**VIA FEDERAL EXPRESS**

The Honorable Stephen C. Robinson  
United States Courthouse  
300 Quarropas Street, Room 633  
White Plains, New York 10601-4150

Re: Serin et al. v. Northern Leasing Systems, Inc., et al., No. 06 Civ. 1625 (SCR)

Dear Judge Robinson:

My firm represents all of the defendants in the above matter. In accordance with the Court's Notice, dated March 7, 2006, enclosed please find Defendants' proposed Civil Case Discovery Plan and Scheduling Order and attachment thereto. The parties have conferred regarding the proposed scheduling order and, as of Defendants' counsel's last email communication with Plaintiffs' counsel yesterday (which has not been answered by Plaintiffs' counsel), have not been able to reach agreement on a joint proposed order.

We have submitted the proposed scheduling order despite our belief that the complaint in its entirety should be dismissed at the pleading stage. With respect to the timing of the filing of Defendants' motion to dismiss the complaint, we request that the Court extend the time for Defendants to move to dismiss the complaint to June 12, 2006 (30 days after the initial case management conference currently scheduled for May 12, 2006). On March 30, 2006, the Court entered the Stipulation and Order Extending Time to File a Responsive Pleading and Setting a Briefing Schedule (the "Stipulation and Order"), which extended Defendants' time to file a responsive pleading until April 28, 2006 given that the Court had not scheduled a pre-motion conference with respect to Defendants' prospective motion to dismiss. I have been informed by Your Honor's law clerk that the Court does not intend to hold a pre-motion conference before the initial case management conference is held on May 12, 2006. In light of that information, and given Your Honor's individual practice of requiring a pre-motion conference before the filing of any dispositive motion, Defendants' counsel contacted Plaintiffs' counsel and requested that Plaintiffs agree to an amended stipulation and proposed order that would set the deadline for Defendants to move to dismiss the complaint after the May 12<sup>th</sup> initial case management conference. Plaintiffs' counsel refused that request.

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Defendants are now in the position of not being able to comply with both the Stipulation and Order and the Court's requirement that a pre-motion conference precede the filing of any motion to dismiss. Defendants therefore request that the Court extend Defendants' time to answer or move to dismiss the complaint to June 12, 2006. In the alternative, Defendants request that the Court waive its pre-motion conference requirement and Defendants will file their motion to dismiss on April 28, 2006, as per the terms of the current Stipulation and Order.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'PS' with a stylized flourish underneath.

Peter Sloane

Enclosure

cc: Krishnan Chittur, Esq. (Counsel for all plaintiffs) (Via Email and FedEx)  
SDNY Orders and Judgments Clerk (Via Email)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Melinda Serin, et al.

Plaintiff(s).

CIVIL CASE DISCOVERY PLAN  
AND SCHEDULING ORDER

- against -

Northern Leasing Systems, Inc. et al.  
Defendant(s).

06 Civ. 1625 (SCR)

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure. (Note: all proposed dates should be for weekdays only)

The case ~~(is)~~ (is not) to be tried to a jury.

Joinder of additional parties must be accomplished by October 13, 2006.

Amended pleadings may be filed until December 20, 2006.

Discovery:

1. Interrogatories are to be served by all counsel no later than June 30, 2006, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.

2. First request for production of documents, if any, to be served no later than June 30, 2006

3. Depositions to be completed by April 27, 2007

a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.

b. Depositions shall proceed concurrently.

c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.

4. Any further interrogatories, ~~including expert interrogatories~~, to be served no later than January 31, 2007

5. Requests to Admit, if any to be served no later than July 31, 2007

Of fact witnesses

6. Additional provisions relating to discovery agreed upon by counsel for the parties (are) ~~(are not)~~ attached and made a part hereof.

7. All discovery is to be complete by July 31, 2007  
fact

May 12, 2006 @ 10:00am

Initial Case Management Conference

(To Be Complete By Court) (Counsel in receipt of this scheduling order is to notify their adversary of the date and time of this Initial Case Management Conference)

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. \_\_\_\_\_, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(e) if counsel execute their consent in writing.

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

White Plains, New York

SO ORDERED

Dated:

Stephen C. Robinson U.S.D.J.

**Attachment To Defendants' Proposed Civil Case Discovery Plan And Scheduling Order In  
Serin et al. v. Northern Leasing Systems, Inc., et al., No. 06 Civ. 1625 (SCR)**

The following are Defendants' additional suggested provisions relating to discovery:

1. Defendants believe that the discovery schedule should provide for a period of expert discovery given that defendants anticipate the use of experts, such as handwriting experts in order to test Plaintiffs' forgery allegations. Defendants propose that expert discovery be completed on September 28, 2007, approximately two months after the completion of fact discovery.

2. Defendants believe that any proposed discovery plan and scheduling order may require modification depending on the outcomes of the motion to dismiss that defendants intend to file and the outcome of the initial case management conference currently scheduled for May 12, 2006.